

**ORDINANCE NO. 9
SERIES 2004**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON ESTABLISHING A TEMPORARY SUSPENSION OF THE PROCESSING OF APPLICATIONS FOR RETAIL “SUPERSTORES” WITHIN THE CITY OF GUNNISON FOR A PERIOD OF SIX MONTHS.

WHEREAS, the City of Gunnison, Colorado (“the City”), as a home rule municipality, has broad constitutional and statutory powers to regulate the use of land within the City limits; and

WHEREAS, pursuant to said authority and the provisions of Article I, Section 1.2, and Article VI, Section 6.2, of the City of Gunnison Municipal Home Rule Charter, the City has adopted certain policies, plans, ordinances, and resolutions pertaining to the development of property within the City, including the City’s Master Plan and the Land Development Code; and

WHEREAS, the 1994 City of Gunnison Master Plan, Volume I, Vision Statement, states that “all future land use and development will proceed in a planned and balanced manner in order that it be harmonious with the natural and built environment, so that public utilities, services, and facilities meet the growing needs of the community and to ensure public health”; and

WHEREAS, the 1994 City of Gunnison Master Plan, Volume II, Land Use and Growth Intent Statement, directs the City “to create an efficient, well-ordered and safe community which will accommodate a variety of desirable residential, commercial, industrial, and public land uses in a land use pattern which considers both the economy and the environment and will protect and enhance the values, appearance, and lifestyle of the community”; and

WHEREAS, the City Council recognizes that superstores present unique land use planning concerns by reason of their bulk, size, and scale of such stores regarding land use compatibility, aesthetics, and transportation; and

WHEREAS, the City Council also recognizes that superstores have a potential negative impact upon the existing retail/mercantile businesses within the City limits; and

WHEREAS, considerable study is needed to assess the economic and land use impacts that may occur from the development of superstores within the City limits; and

WHEREAS, it is the intent of the City to prevent development that is incompatible or inconsistent with the Master Plan and Land Development Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. That the Council of the City of Gunnison hereby makes the following findings of fact:

- (a) That the City has recently been presented with inquiries for large, general, and special merchandise stores, sometimes known as “superstores”.
- (b) That the bulk, size and scale of such superstores present unusual land use concerns for the City, especially with regard to the land use compatibility, and aesthetic and transportation issues of such uses.
- (c) That considerable study is needed in order to determine the appropriate location for such land uses, the kind of design criteria which should be used to mitigate the visual impacts of the same, the type of development standards appropriate to such uses, and the kind of infrastructure requirements necessary to offset parking, traffic, and other impacts.

- (d) That the development of superstores, in absence of appropriate regulatory guidelines, may have an irreversible negative impact upon the City.
- (e) That the City has not heretofore studied the impacts of superstores, nor has it established locational criteria to ensure that such stores are developed in harmony with the City's Master Plan.
- (f) That it is necessary in the public interest to delay, for a reasonable period of time, the processing of any applications for such stores, to ensure that the design, development and location of the same are consistent with the long-term planning objectives of the City.
- (g) That during the above-mentioned period of time, the City shall: (1) evaluate and develop appropriate criteria for regulating the size, architectural design, and functional aspects of such superstores to ensure that they are not disruptive to surrounding development; (2) develop criteria regarding parking and truck traffic to ensure that such regulations are in harmony with the transportation provisions of the Master Plan; (3) evaluate and consider appropriate regulations governing the reuse of abandoned structures within the community; and (4) complete any additional studies and evaluations as determined by the Planning Commission.
- (h) That a temporary suspension will leave owners of commercially-zoned property with a variety of permitted and conditional uses available as development options which will be unaffected by the imposition of the proposed suspension.
- (i) That a temporary suspension will provide an opportunity for the City, with public input, to evaluate and consider amendments to the City's Master Plan and Land Development Code.

Section 2. That as of the effective date of this Ordinance, no development applications, including vacations, variances, rezonings, subdivisions, PUD rezonings or PUD subdivisions, applications for site plan reviews, or building permit applications for superstores within the City will be processed by City Staff or reviewed by any City Board, Commission, or Council for six (6) months.

Section 3. That for the purposes of this Ordinance, "superstore" shall mean a retail sales or marketing establishment or any combination of retail sales establishments in a single building or in a combination of buildings occupying more than 50,000 gross square feet of floor area.

Section 4. That the provisions of this Ordinance shall not affect the processing of applications or the issuance of building permits for uses permitted under PUD's or site plan reviews that have received final approval by the City on or before the effective date of this ordinance.

Section 5. That City Staff is hereby directed to develop recommendations to the Planning Commission and the City Council, within the succeeding six (6) month period, pertaining to the development, location, size, and design of superstores and the redevelopment of abandoned buildings within the City and to make specific recommendations regarding any proposed amendments to the provisions of the Master Plan and the Land Development Code including zoning and subdivision ordinances as they pertain to superstores.

Section 6. That the provisions of this Ordinance are temporary in nature and are intended to be replaced by subsequent legislative enactment. The temporary suspension of the processing of applications for large retail and merchandising establishments within the City as specified within this Ordinance shall terminate six (6) months from its effective date.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 24th day of August 2004, on first reading, and introduced, read, and adopted on second and final reading this 14th day of September, 2004.

Mayor

ATTEST:

City Clerk